

REMARKS

Applicant acknowledges receipt of an Office Action dated August 3, 2007. Claims 1-19, 24-26, and 29-33, remain pending in the application.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Statement of Substance of Interview

During a telephonic interview conducted on December 18, 2007, Examiner Singh and the undersigned discussed the outstanding rejections and the presently claimed invention.

Rejection Under 35 U.S.C. § 103

On page 3 of the Office Action, the PTO has rejected claims 1-26 and 29-33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,420,037 to Tsuji *et al.* (hereafter "Tsuji") in view of U.S. Patent 6,283,507 to Kami *et al.* (hereafter "Kami"). Applicant traverses these rejections for the reasons set forth below.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Here, Tsuji and Kami, whether taken individually or in combination, fail to teach or suggest "a first silicone placed on the opposed sides of the first and second portions, the first silicone comprising a thermosetting silicone; and a second silicone interposed between the opposed sides of the first and second portions at a junction thereof, the second silicone comprising a solventless addition room-temperature-vulcanizing adhesive silicone" (emphasis added) as recited in each of independent claims 1, 18, and 19. Furthermore, and

with particular regard to claims 1 and 18, Applicant submits that Tsuji and Kami, taken either individually or in combination, fail to teach or suggest that “the second silicone having 20 or less JIS-A hardness and 800% or more initial fractural elongation after cure.” For at least these reasons, Applicant submits that the outstanding rejection based upon the combination of Tsuji and Kami does not properly apply to the currently pending independent claims and ought to be withdrawn.

It appears that the outstanding rejection may be based upon a misunderstanding or oversight on the part of the PTO. In this regard, Applicant wishes to direct the PTO’s attention to “Application Example 4” of Tsuji¹ which refers to a condensation (as opposed to an addition) room-temperature-vulcanizing silicone (trade name SE9145, RTV) which the PTO referred to in the Office Action and which is the basis for the outstanding rejection. This condensation room-temperature-vulcanizing silicone is the same silicone used in *comparative* example 4 of the present application (see paragraph [0070] of the present application).

Addition and condensation RTV silicones are different. As discussed in paragraphs [0027] and [0037] of the present application, condensation-type room-temperature-vulcanizing silicones cure by reaction with atmospheric moisture and are not a favorable choice in terms of their curing time, uniformity and heat resistance for joining the two portions with the main body of the air bag.

In contrast to the presently claimed addition RTV adhesive silicones, the condensation RTV silicone of *comparative* example 4 of the present application (which is the same condensation RTV silicone as the one used in “Application Example 4” of Tsuji) has a larger JIS-A hardness, smaller initial fractural elongation after cure, a lower relative airtightness value, and exhibits damage at junctions during deployment testing (peripheral junction peeled off at one spot). With regard to these differences, Applicant wishes to direct the PTO’s

¹ In Tsuji’s “Application Example 4,” the silicone rubber coated fabric was produced by applying a silicone rubber based coating composition onto a fabric made of Nylon 66 fiber (420 denier). A room temperature curable silicone rubber adhesive agent (trade name “SE9145, RTV” from Dow Corning Toray Silicone Co., Ltd., Japan) was then applied between the two already coated pieces of fabric to adhere the two coated pieces of fabric to one another. Applicant notes that “Application Example 4” of Tsuji is the only example in which two already coated pieces of fabric are adhered to each other with separate adhesive.

attention to Figure 5 of the present application. In particular, in Figure 5, Applicant wishes to direct the PTO's attention to results shown for Example 1 (which uses an addition RTV adhesive silicone to adhere the coated pieces of fabric to one another) and for *comparative* Example 4 (which uses condensation RTV silicone SE9145 to adhere the two coated pieces of fabric to one another).

In view of the foregoing discussion and the discussion of the differences between addition and condensation RTV silicones in the present specification, Applicant submits that it is clear that Tsuji fails to teach or suggest the presently claimed addition room-temperature-vulcanizing adhesive silicone. As Kami adds nothing to resolve this deficiency, Applicant submits that the outstanding rejection is improper and ought to be withdrawn.

If an independent claim is nonobvious under § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicant submits that claims 2-17, 24-26, and 29-33, each of which ultimately depends from one of independent claims 1, 18, and 19, are also non-obvious at least by virtue of their dependency from an allowable independent claim.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections under § 103.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Response to Non-Final Office Action dated 08-03-2007

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 1/3/08
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By P.D.S.
Paul D. Strain
Registration No. 47,369
Attorney for Applicant